

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ALAN M. BARTLETT,

Plaintiff,

Case No. 17-14133

v.

DOUGLAS A. DUCEY, et al.,

Defendants.

**OPINION AND ORDER DISMISSING MOTION FOR INJUNCTION AND DENYING
THE APPLICATION TO PROCEED WITHOUT PREPAYMENT OF THE FILING FEE**

Before the court is pro se Plaintiff Alan M. Bartlett's motion for "Injunction Against Mail Fraud and Invoice Collection Scheme Harassment." (Dkt. #1.) The motion requests an injunction against various Defendants who—along with Plaintiff—allegedly reside in Arizona; Plaintiff seeks to enjoin Defendants from engaging in "any unsolicited contact by telephone, mail, third-party, and/or by and through it's [sic] agents to circumvent any further unlawful mail fraud collection invoice schemes." (Dkt. #1 Pg. ID 6–7.) Plaintiff has also filed an application to proceed without prepayment of the filing fee. (Dkt. #2.)

The Federal Rules of Civil Procedure provide that "[a] civil action is commenced by filing a complaint with the court." Fed. R. Civ. P. 3. Before a complaint is filed, no action has "commenced," and the court lacks subject matter jurisdiction to grant relief. See, e.g., *Gardner v. McQueen*, No. 16-13790, 2017 WL 131553, at *2 (E.D. Mich. Jan. 13, 2017) (Roberts, J.).

Plaintiff has not filed a complaint. Instead he has filed a motion for injunctive relief. While Federal Rule of Civil Procedure 65 permits parties to seek injunctive relief

on existing claims or causes of action, it does not provide an independent basis for federal court jurisdiction. The court, therefore, lacks jurisdiction over this matter, and it must be dismissed.

Because the court dismisses this action for lack of subject matter jurisdiction, it does not reach the question of whether Plaintiff should be allowed to proceed without prepayment of the filing fee. The court also concludes that an appeal from this order cannot be taken in good faith. See 28 U.S.C. § 1915(a)(3). Accordingly,

IT IS ORDERED that Plaintiff's motion for injunction (Dkt. #1) is DISMISSED WITHOUT PREJUDICE. Plaintiff's application to proceed without prepayment of the filing fee (Dkt. #2) is DENIED WITHOUT PREJUDICE. This case is closed and will not be reopened.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 4, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 4, 2018, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522

S:\Cleland\KNP\Civil\17-14133.BARTLETT.dismiss.injunction.ifp.KNP.docx